

Plaintiff,

-against-

OSHKOSH B'GOSH, INC.,

Defendant.

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An Order of Honorable Allyn R. Ross, United States District Judge, having been filed on November 8, 2005, adopting the Report and Recommendation of Magistrate Judge Viktor V. Pohorelsky, dated October 14, 2005, after a de novo review of the record; and dismissing the action for lack of subject matter jurisdiction; it is

ORDERED and ADJUDGED that plaintiff take nothing of the defendant; that the Report and Recommendation of Magistrate Judge Viktor V. Pohorelsky is adopted in its entirety; and that the action is dismissed for lack of subject matter jurisdiction.

Dated: Brooklyn, New York
November 08, 2005

ROBERT C. HEINEMANN
Clerk of Court